

AMENDED IN ASSEMBLY MAY 2, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1642

Introduced by Assembly Member Salinas

February 22, 2005

~~An act to amend Section 8800 of the Education Code, relating to education programs. An act to amend Sections 5019, 5020, 35555, 35566, 35710, 35710.1, 35710.5, 35722, 35753, and 35756, of, and to add Sections 35517 and 35710.1 to, the Education Code, relating to school districts.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1642, as amended, Salinas. ~~Healthy Start Support Services for Children Act~~ *School districts: reorganization.*

Existing law authorizes a county committee on school district organization, except as specified, to establish, rearrange the boundaries of, and abolish trustee areas and make specified changes to the governing boards of school districts. Under existing law, a resolution of the county committee approving a proposal to establish or abolish trustee areas or to make specified changes to the governing boards of school districts constitutes an order of election, as specified.

Existing law authorizes the county committee on school district organization to establish a common governing board for a high school district and an elementary school district within the boundaries of the high school district, and requires that the resolution of the county committee approving the establishment of a common governing board be presented to the electors of the school districts, as specified.

This bill would extend these provisions to the abolition of a common governing board.

This bill would also prohibit an election from being called for a petition to transfer territory if the election area for that petition is uninhabited territory, as defined, and would require the county committee, if it approves such a petition, to order that the petition be granted and to notify the county board of supervisors, and would authorize an appeal of this action.

Existing law specifies that the reorganization of any school district or districts shall not affect the classification of certificated employees already employed by any school district affected. With respect to probationary employees, existing law provides that if the employee is a probationary employee of the district that formerly maintained the school or other place of employment, he or she is to be employed by the district that thereafter maintains the school or other place of employment, unless the probationary employee is terminated by the district pursuant to specified provisions of existing law.

This bill would specify additional grounds, under which the probationary employee may be terminated.

Existing law requires that exchanges of property tax revenues between school districts as a result of reorganization be determined pursuant to specified provisions of existing law.

This bill would, instead, make this requirement applicable to exchanges of property tax revenues between school districts as a result of reorganization only if one or more of those districts is a basic aid district.

Existing law requires a county committee to hold a public hearing with respect to reorganization in the area proposed for reorganization at least 30 days prior to the submission of a final recommendation for unification or other reorganization to the state board.

Existing law requires that, after the public hearing or the last public hearing required with respect to reorganization of a school district, the county committee may adopt a final recommendation for unification or other reorganization and shall transmit the recommendation together with the petition to the state board.

This bill would, in addition, require the county committee to transmit the recommendation together with the resolution to reorganize a school district without an election.

Existing law authorizes the State Board of Education to approve proposals for the reorganization of school districts, if the state board determines, with respect to the proposal and the resulting districts, that specified conditions are substantially met.

This bill would modify and rephrase several of those conditions.

Existing law requires that an election to transfer territory of a school district to be conducted, as specified.

Existing law authorizes a local, special, or consolidated election to be conducted wholly by mail provided that specified conditions are met.

This bill would authorize a county superintendent of schools to conduct an election based on a petition to transfer territory of a school district either pursuant to existing law governing elections for the transfer of territory of a school district, or in accordance with existing law that authorizes a local special, or consolidated election to be conducted wholly by mail if specified conditions are met.

Because this bill would impose additional duties on local agencies, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~The Healthy Start Support Services for Children Act was established to provide assistance, as specified, to children in need of that assistance to overcome the barriers to healthy and productive lives.~~

~~This bill would make technical, nonsubstantive changes to provisions of law relating to that program.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~yes.
State-mandated local program: ~~no~~yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 8800 of the Education Code is amended~~
- 2 ~~to read:~~
- 3 ~~8800. This chapter shall be known as, and may be cited as,~~
- 4 ~~the Healthy Start Support Services for Children Act.~~
- 5 ~~SECTION 1. Section 5019 of the Education Code is amended~~
- 6 ~~to read:~~

1 5019. (a) Except in a school district governed by a board of
2 education provided for in the charter of a city or city and county,
3 in any school district or community college district the county
4 committee on school district organization ~~shall have the power to~~
5 *may* establish trustee areas, rearrange the boundaries of trustee
6 areas, abolish trustee areas, and increase to seven or decrease to
7 five the number of members of the governing board, or to adopt
8 one of the alternative methods of electing governing board
9 members specified in Section 5030.

10 (b) The county committee on school district organization ~~shall~~
11 ~~also have the power to~~ *may* establish *or abolish* a common
12 governing board for a high school district and an elementary
13 school district within the boundaries of the high school district.
14 The resolution of the county committee approving the
15 establishment *or abolition* of a common governing board shall be
16 presented to the electors of the school districts as specified in
17 Section 5020.

18 (c) A proposal to make the changes described in subdivision
19 (a) or (b) may be initiated by the county committee or made to
20 the county committee either by a petition signed by 5 percent or
21 50, whichever is less, of the qualified registered voters residing
22 in a district in which there are 2,500 or fewer qualified registered
23 voters, or by a petition signed by 2 percent, or 250, whichever is
24 less, of the qualified registered voters residing in a district in
25 which there are 2,501 or more qualified registered voters or by
26 resolution of the governing board of the district. For this purpose,
27 the number of qualified registered voters in the district shall be
28 determined pursuant to the most recent report submitted by the
29 county elections official to the Secretary of State under Section
30 610 or 6460 of the Elections Code.

31 When the proposal is made, the county committee shall call
32 and conduct at least one hearing in the district on the matter. At
33 the conclusion of the hearing, the county committee shall
34 approve or disapprove the proposal.

35 (d) If the county committee approves pursuant to subdivision
36 (a) the rearrangement of the boundaries of trustee areas for a
37 particular district, then the rearrangement of the trustee areas
38 shall be effectuated for the next district election occurring at least
39 120 days after its approval, unless at least 5 percent of the
40 registered voters of the district sign a petition requesting an

election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the elections official within 60 days of the proposal's adoption by the county committee. If the qualified registered voters approve pursuant to subdivision (b) *or subdivision (c)* the rearrangement of the boundaries to the trustee areas for a particular district, ~~then~~ the rearrangement of the trustee areas shall be ~~effectuated~~ *effective* for the next district election occurring at least 120 days after its approval by the voters.

SEC. 2. Section 5020 of the Education Code is amended to read:

5020. (a) The resolution of the county committee approving a proposal to establish or abolish trustee areas or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot. Before the proposal is

presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.

(d) The resolution of the county committee approving a proposal to establish *or abolish* a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote, provided that there is sufficient time to place the issue on the ballot.

(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

“For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District—Yes” and “For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District—No.”

“For increasing the number of members of the governing board of ____ (insert name) School District from five to seven—Yes” and “For increasing the number of members of the governing board of ____ (insert name) School District from five to seven—No.”

“For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five—Yes” and “For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five—No.”

“For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District—Yes” and “For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District—No.”

“For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area—Yes” and “For the election of one member of the governing board of the

1 ____ (insert name) School District residing in each trustee area
2 elected by the registered voters in that trustee area—No.”

3 “For the election of one member, or more than one member for
4 one or more trustee areas, of the governing board of the ____
5 (insert name) School District residing in each trustee area elected
6 by the registered voters of the entire ____ (insert name) School
7 District—Yes” and “For the election of one member, or more
8 than one member for one or more trustee areas, of the governing
9 board of the ____ (insert name) School District residing in each
10 trustee area elected by the registered voters of the entire ____
11 (insert name) School District—No.”

12 “For the establishment (*or abolition*) of a common governing
13 board in the ____ (insert name) School District and the ____
14 (insert name) School District—Yes” and “For the establishment
15 (*or abolition*) of a common governing board in the ____ (insert
16 name) School District and the ____ (insert name) School
17 District—No.”

18 If more than one proposal appears on the ballot, all must carry
19 in order for any to become effective, except that a proposal to
20 adopt one of the methods of election of board members specified
21 in Section 5030 which is approved by the voters shall become
22 effective unless a proposal which is inconsistent with that
23 proposal has been approved by a greater number of voters. An
24 inconsistent proposal approved by a lesser number of voters than
25 the number which have approved a proposal to adopt one of the
26 methods of election of board members specified in Section 5030
27 shall not be effective.

28 SEC. 3. Section 35517 is added to the Education Code, to
29 read:

30 35517. “Uninhabited territory” means territory in which
31 fewer than 12 persons are registered to vote at least 54 days
32 before the time of filing of a petition or adoption of a resolution
33 for a school district boundary change.

34 SEC. 4. Section 35555 of the Education Code is amended to
35 read:

36 35555. The reorganization of any school district or districts
37 shall not affect the classification of certificated employees
38 already employed by any school district affected. ~~Such~~ Those
39 employees ~~shall~~ have the same status with respect to their
40 classification by the district, including time served as

1 probationary employees of the district, after the reorganization as
2 they had prior to it. If such reorganization results in the school or
3 other place in which any such employee is employed being
4 maintained by another district, any such employee, if a
5 permanent employee of the district which formerly maintained
6 such school or other place of employment, shall be employed as
7 a permanent employee of the district which thereafter maintains
8 the school or other place of employment, unless such employee
9 elects prior to February 1 of the year in which the action will
10 become effective for all purposes to continue in the employ of
11 the first district.

12 If such employee is a probationary employee of the district
13 which formerly maintained such school or other place of
14 employment, he or she shall be employed by the district ~~which~~
15 *that* thereafter maintains the school or other place of
16 employment, unless such probationary employee is terminated by
17 such district pursuant to Section 44929.21, 44948, 44948.3,
18 44949, or 44955, and, if not so terminated, his or her status with
19 respect to classification by such district shall be the same as it
20 would have been had the school or other place of employment
21 continued to be maintained by the district which formerly
22 maintained it. As used in this paragraph, “the school or other
23 place in which any such employee is employed” and all
24 references thereto, includes, but is not limited to, the school
25 services or school program which, as a result of any
26 reorganization of a school district, will be provided by another
27 district, regardless of whether any particular building or buildings
28 in which such schoolwork or school program was conducted is
29 physically located in the new district and regardless of whether
30 any new district resulting from such reorganization elects to
31 provide for the education of its pupils by contracting with
32 another school district until such time as the new district
33 constructs its own facilities.

34 *SEC. 5. Section 35566 of the Education Code is amended to*
35 *read:*

36 35566. Notwithstanding any provisions of this article,
37 exchanges of property tax revenues between school districts as a
38 result of reorganization shall be determined pursuant to
39 subdivision ~~(h)~~ (i) of Section 99 of the Revenue and Taxation
40 Code *if one or more affected school districts receiving only basic*

1 *aid apportionments required by Section 6 of Article IX of the*
2 *California Constitution.*

3 *SEC. 6. Section 35710 of the Education Code is amended to*
4 *read:*

5 35710. For all other petitions to transfer territory, if the
6 county committee finds that the conditions enumerated in
7 paragraphs (1) to (10), inclusive, of subdivision (a) of Section
8 35753 are substantially met, the county committee may approve
9 the petition and, if approved, shall ~~so~~ notify the county
10 superintendent of schools who shall call an election in the
11 territory of the districts as determined by the county
12 committee, ~~and in the manner described in Part 4 (commencing~~
13 ~~with Section 5000)~~ to be conducted at the next regular election *in*
14 *accordance with either of the following:*

15 *(a) Part 4 (commencing with Section 5000).*

16 *(b) Division 4 (commencing with Section 4000) of the*
17 *Elections Code.*

18 *SEC. 7. Section 35710.1 is added to the Education Code, to*
19 *read:*

20 35710.1. *Notwithstanding any other provision of law, an*
21 *election may not be called to vote on a petition to transfer*
22 *territory if the election area for that petition, as determined*
23 *pursuant to Section 35732, is uninhabited territory as described*
24 *in Section 35517. The county committee, if it approves that*
25 *petition, shall order that the petition be granted and shall notify*
26 *the county board of supervisors.*

27 *SEC. 8. Section 35710.5 of the Education Code is amended to*
28 *read:*

29 35710.5. (a) An action by the county committee approving or
30 disapproving a petition pursuant to Section 35709~~or~~, 35710, *or*
31 35710.1 may be appealed to the State Board of Education by the
32 chief petitioners or one or more affected school districts. The
33 appeal shall be limited to issues of noncompliance with the
34 provisions of Section 35705, 35706, 35709, or 35710. If an
35 appeal is made as to the issue of whether the proposed transfer
36 will adversely affect the racial or ethnic integration of the schools
37 of the districts affected, it shall be made pursuant to Section
38 35711.

39 (b) Within five days after the final action of the county
40 committee, the appellant shall file with the county committee a

1 notice of appeal and shall provide a copy to the county
2 superintendent of schools, except that if the appellant is one of
3 the affected school districts it shall have 30 days to file the notice
4 of appeal with the county committee and provide a copy to the
5 county superintendent. Upon the filing of the notice of appeal,
6 the action of the county committee shall be stayed, pending the
7 outcome of the appeal. Within 15 days after the filing of the
8 notice of appeal, the appellant shall file with the county
9 committee a statement of reasons and factual evidence. The
10 county committee shall then, within 15 days of receipt of the
11 statement, send to the State Board of Education the statement and
12 the complete administrative record of the county committee
13 proceedings, including minutes of the oral proceedings.

14 (c) Upon receipt of the appeal, the State Board of Education
15 may elect either to review the appeal, or to ratify the county
16 committee's decision by summarily denying review of the
17 appeal. The board may review the appeal either solely on the
18 administrative record or in conjunction with a public hearing.
19 Following the review, the board shall affirm or reverse the action
20 of the county committee, and if the petition will be sent to
21 election, shall determine the territory in which the election is to
22 be held. The board may reverse or modify the action of the
23 county committee in any manner consistent with law.

24 (d) The decision of the board shall be sent to the county
25 committee which shall ~~then~~ notify the county board of
26 supervisors or the county superintendent of schools pursuant to
27 Section 35709~~-or~~, 35710, or 35710.1, as appropriate.

28 *SEC. 9. Section 35722 of the Education Code is amended to*
29 *read:*

30 35722. Following the public hearing, or *the* last public
31 hearing, required by Section 35720.5 or subdivision~~(e)~~ (d) of
32 Section 35721, the county committee may adopt a final
33 recommendation for unification or other reorganization and shall
34 transmit that recommendation together with the petition filed
35 under subdivision (a) or (b) of Section 35721, *or with the*
36 *resolution filed under subdivision (c) of Section 35721*, if any, to
37 the State Board of Education for hearing as provided in Article 4
38 (commencing with Section 35750); or shall transmit the petition
39 to the State Board of Education and order the reorganization
40 granted if the requirements of Section 35709 are satisfied; or

1 shall transmit the petition to the State Board of Education and
2 order that an election be held if the requirements of Section
3 35710 are satisfied.

4 *SEC. 10. Section 35753 of the Education Code is amended to*
5 *read:*

6 35753. (a) The State Board of Education may approve
7 proposals for the reorganization of districts, if the board has
8 determined, with respect to the proposal and the resulting
9 districts, that all of the following conditions are substantially
10 met:

11 (1) ~~The new reorganized~~ districts will be adequate in terms of
12 number of pupils enrolled.

13 (2) The districts are each organized on the basis of a
14 substantial community identity.

15 (3) The proposal will result in an equitable division of
16 property and facilities of the original district or districts.

17 (4) The reorganization of the districts will *preserve each*
18 *affected district's ability to educate students in an integrated*
19 *environment and will not promote racial or ethnic discrimination*
20 *or segregation.*

21 (5) ~~The Any increase in costs to the state as a result of the~~
22 ~~proposed reorganization will not result in any substantial increase~~
23 ~~in costs to the state be insignificant and otherwise incidental to~~
24 ~~the reorganization.~~

25 (6) The proposed reorganization will ~~not significantly disrupt~~
26 ~~the educational programs in the proposed districts and districts~~
27 ~~affected by the proposed reorganization and will continue to~~
28 ~~promote sound education performance in those districts and will~~
29 ~~not significantly disrupt the educational programs in the districts~~
30 ~~affected by the proposed reorganization.~~

31 (7) ~~The Any increase in school facilities costs as a result of the~~
32 ~~proposed reorganization will not result in a significant increase in~~
33 ~~school housing costs be insignificant and otherwise incidental to~~
34 ~~the reorganization.~~

35 (8) The proposed reorganization is ~~not primarily designed to~~
36 ~~result in a significant~~ *for purposes other than to significantly*
37 *increase in property values causing financial advantage to*
38 *property owners because territory was transferred from one*
39 *school district to an adjoining district.*

(9) The proposed reorganization will *continue to promote sound fiscal management and* not cause a substantial negative effect on the fiscal ~~management or fiscal~~ status of the proposed district or any existing district affected by the proposed reorganization.

(10) Any other criteria as the board may, by regulation, prescribe.

(b) The State Board of Education may approve a proposal for the reorganization of school districts if the board determines that it is not practical or possible to apply the criteria of this section literally, and that the circumstances with respect to the proposals provide an exceptional situation sufficient to justify approval of the proposals.

SEC. 11. Section 35756 of the Education Code is amended to read:

35756. The county superintendent of schools, within 35 days after receiving the notification provided by Section 35755, shall call an election, ~~in the manner prescribed in Part 4 (commencing with Section 5000)~~, to be conducted at the next available regular election, in the territory of districts as determined by the State Board of Education, *in accordance with either of the following:*

(a) *As described in Part 4 (commencing with Section 5000).*

(b) *As described in Division 4 (commencing with Section 4000) of the Elections Code.*

SEC. 12. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.